

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAPITOL RECORDS, INC., et al.,

Plaintiffs,

v.

MULTIPLY, INC. and PETER PEZARIS,

Defendants.

No. 07 Civ. 11357 (SHS)(MHD)

NOTICE OF MOTION

Filed Electronically

PLEASE TAKE NOTICE THAT, pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, and based upon the Amended Complaint dated February 14, 2008, the Declaration of Peter Pezaris dated March 28, 2008, the Declaration of Jeffrey A. Conciatori dated March 31, 2008, and the memorandum in support hereof, defendant Peter Pezaris will move this court, before the Honorable Sydney H. Stein, United States District Judge of the Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, New York, on a date and time to be determined by the Court, for an order dismissing with prejudice the claims against him on the grounds that the Court lacks personal jurisdiction over him, and for such other and further relief as the Court deems just and proper.

DATED: New York, New York
March 31, 2008

QUINN EMANUEL URQUHART
OLIVER & HEDGES, LLP

By:/s/ Jeffrey A. Conciatori

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